

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 99-368

June 22, 1999

CENTRAL MAINE POWER COMPANY  
Request for Approval of Second  
Amendment to Customer Service  
Agreement with BOC Gases

ORDER

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WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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**SUMMARY OF DECISION**

By this Order, the Commission approves the proposed Second Amendment to Central Maine Power Company's (CMP's) Customer Service Agreement (CSA) with BOC Gases.

**DISCUSSION**

On June 3, 1999, CMP filed with this Commission a proposed Second Amendment to its CSA with BOC Gases. In its filing, CMP requested that the Commission review and approve this Amendment prior to the end of June. CMP acknowledged that the Amendment does not comply with all conditions of the ARP<sup>1</sup> -- indicating that it is intended as an interim measure, to be in effect only until CMP and BOC file a revised agreement this summer to reflect longer-term price issues and electric restructuring.

Because this contract will require modification to remove the generation component prior to March 1, 2000, the effect of this Amendment is necessarily limited in term. Therefore, we will allow the Amendment to go into effect but make no determination regarding the reasonableness of the Amendment or how the revenues associated with it should be treated for ratemaking purposes. Consequently, for purposes of evaluating compliance with P.L. 1999, Chapter 398, Part K, we will assume the bargain to be preserved will be that of the Agreement between CMP and BOC Gases prior to this Amendment.

Accordingly, we

**O R D E R**

1. That the proposed Second Amendment to Central Maine Power Company's Customer Service Agreement with BOC Gases, filed on June 3, 1999 is approved, and may take effect as of the date of this Order.

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<sup>1</sup> The conditions referred to are the conditions that, under the ARP, allow contracts to become effective automatically upon the expiration of 30 days.

Dated at Augusta, Maine this 22<sup>nd</sup> day of June, 1999.

BY ORDER OF THE COMMISSION

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Raymond Robichaud  
Assistant Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
   Nugent  
   Diamond

### NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320 (1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320 (5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.